

Remarks:

Status of Claims

Claims 1-23 are currently pending with claims 1, 6, 10, and 14 being independent and claims 18-23 being new.

Office Action

The Examiner rejected claims 1-13 under 35 U.S.C. § 101 by stating the invention as claimed was directed to non-statutory subject matter. The claims have been amended as suggested by the Examiner to overcome this rejection. Additionally, the Examiner rejected claims 1-17 under 35 U.S.C. § 102(b) for being anticipated by Ng (Travel Agent, 25 August 1997, vol. 287, no. 7, page 37) or Murray (U.S. Patent No. 6,040,781). Applicant respectfully suggests that neither Ng or Murray, alone or in combination, anticipate the present invention as they fail to disclose all the elements of the claims. Therefore, claims 1-23 are in allowable condition.

I. Rejections under 35 U.S.C. § 101

Independent claims 1, 6, and 10 have been amended to more clearly reflect the subject matter of the present invention, namely a computer program associated with a host computer in such a way as to cause the computer to operate in a specific, claimed manner. Applicant submits that the current amendment of claims 1, 6, and 10 clearly renders the invention as claimed statutory subject matter under 35 U.S.C. § 101, as the present invention can no longer rationally be considered a “disembodied storage device” because the invention produces a useful, concrete, and tangible result by causing a host computer to perform as claimed.

Furthermore, claims 18-23 have been added to clearly reflect that a code segment of the present invention may be executed by a host computer which comprises a plurality of computing devices or a computing network. Support for this recitation can be found on pages 3 and 4 of the above-referenced application, where it is disclosed that one code segment may be executed by a first computer and another code segment may be executed by a second computer. Thus, the amended

claims do not limit the execution of a code segment to a single computing device.

II. Rejections under 35 U.S.C. § 102(b)

35 U.S.C. §102(b) states in relevant part that “[a] person shall be entitled to a patent unless the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of the application for patent in the United States . . .” For rejections based on anticipation, there is no question of obviousness or modification of the reference, rather a single reference must teach each, every, and all aspects of the claimed invention either explicitly or impliedly, and any feature not directly taught must be inherently present. *Verdegaal Bros. v. Union Oil Co. of California*, 2 USPQ2d 1051,1053 (Fed. Cir. 1987); MPEP §§706.02 and 2131. “The identical invention must be shown in as complete detail as is contained in the . . . claim.” *Richardson v. Suzuki Motor Co.*, 9 USPQ2d 1913,1920 (Fed. Cir. 1989). Furthermore, a prior art device can perform all of the functions of a claimed apparatus and yet not anticipate the claimed apparatus if the claimed apparatus and the prior art device are structurally distinguishable. *In re Robertson*, 49 USPQ2d 1949,1951 (Fed. Cir. 1999); MPEP §2114. Thus, a rejection under 35 U.S.C. §102(b) is overcome by persuasively distinguishing the subject matter and language of the claims from that which is disclosed by the cited reference. MPEP §706.02(b).

The Examiner based his rejection, using either Ng or Murray, on the following reasoning:

“In regard to claims 1-17, either Ng or Murray (‘781) disclose a computerized system under the control of a computer stored in a computer readable storage medium. This system collects flight data for scheduled flights and updated flight data for the scheduled flights. Further, this system will for the passengers that have preregistered for notification will compare the scheduled and updated flight times and if there is not a change then periodically notify the passenger a predetermined time before the scheduled flight time, whereas if there is a change then periodically notify the

passenger of the change a predetermined time before the updated flight time.”

Applicant respectfully disagrees for several reasons. First, Ng does not disclose the system described by the Examiner or describe all the claimed elements of the present invention. Ng only discloses, in relevant part, a travel messaging service to “provide business travelers advanced notification of flight departure, arrival times, gate changes and delays, through alphanumeric pagers or cellular phones.” Ng fails to disclose any additional information relating to the messaging service. Thus, Ng does not disclose, mention, or suggest a travel messaging service which may be used by non-business travelers, as is required by all claims of the present invention, a segment of computer software code that receives a scheduled time of departure from a passenger or other service, as is required by claims 1, 6, and 10, a database which stores scheduled times of departure or arrival for a plurality of flights, as is required by claims 6 and 14, a segment of computer software code that compares scheduled flight times in the database with updated flight times, as is required by claims 1, 6, and 10, or computer software or a method that notifies a passenger when an updated time of departure varies from a scheduled time of departure by a *predetermined amount of time*, as is required by all claims.

Thus, independent claims 1, 6, 10 and 14, and claims which are dependent therefrom, include one or more of the above limitations that are not disclosed or suggested by Ng. Therefore, claims 1-17 of the present invention are not anticipated by Ng.

Second, Murray does not disclose the system described by the Examiner or describe all the elements of the present invention. Murray discloses an event reminder for a communication device that “reminds a user to change the mode of operation of their electronic device before a particular event occurs such as boarding onto or deplaning from an airplane” (see column 1, lines 29-34).

Murray does not disclose, mention, or suggest an event reminder that automatically compares a scheduled flight time to an updated flight time and which notifies a user if the updated time varies from the scheduled time. Instead, Murray only discloses a device which may remind a user to check for updated information. For instance, Murray states:

“Preferably the communication device has a memory coupled to the decoder for storing at least flight information and updated status information of the flight information, and a processor programmed to remind a user of the communication device at a predetermined time before a scheduled flight to update the status of the scheduled flight. Again, if requested by the user, the communication device would update the status of the scheduled flight by wirelessly retrieving data from the widely distribution information source.” (column 4, lines 48-60).

Similarly:

“In a broader sense, the processor can be further programmed to remind the user of the communication device to update the status of the scheduled flight within (either before or after) a predetermined time of a scheduled arrival of the scheduled flight.” (column 5, lines 14-19).

Thus, Murray clearly does not disclose a computer program or method which *automatically pushes* updated information regarding delayed flights to a passenger, as all independent claims of the present invention require. Additionally, Murray does not disclose a computer program or method which notifies a passenger if the scheduled departure and updated departure vary by a *predetermined amount of time*, as all independent claims of the present invention require, because Murray merely updates the departure time, regardless of the amount of delay. Furthermore, Murray does not disclose a computer program or method which stores a plurality of scheduled flight times, as is required by independent claims 6, 10, and 14 of the present invention.

Therefore, independent claims 1, 6, 10 and 14, and claims which are dependent therefrom, include one or more of the above limitations that are not disclosed or suggested by Murray. Thus, claims 1-17 of the present invention are not anticipated by Murray.

In conclusion, the present invention, as currently amended, is directed to statutory subject matter. Additionally, the references cited by the Examiner, Ng and Murray, do not anticipate the

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present invention as they fail to disclose, alone or in combination, every aspect of the claims. Thus, claims 1-23 of the present invention should be placed in a condition for allowance. In the event of further questions, the Examiner is urged to call the undersigned. Any additional fee which might be due in connection with this application should be applied against our Deposit Account No. 19-0522.

Respectfully submitted,

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